

REMARKS

Claims 1-30 and 32-66 were pending in this application, and claims 1, 8, 17, 30, 35, 42, 44, 48, and 56 were the independent claims under consideration. Claims 30, 32, 35, 36, 37 and 40 are amended without any intention of disclaiming equivalents thereof; new claims 67-70 are introduced; and claims 25-29 and 64-66 are cancelled without prejudice and without any intention of abandoning the subject matter thereof. Support for these amendments is found in the claims as originally filed and in the specification, for example, on page 3, lines 5-9; on page 4, line 27 to page 6, line 6; and on page 26, line 29 to page 28, line 25. Applicants acknowledge that claims 1-24 and 42-63 are allowed. After entry of this amendment, claims 1-24, 30, 32-63, and 67-70 are pending. In view of the amendments and remarks presented herein, reconsideration and allowance of the claims under consideration is respectfully requested.

Applicants thank Examiner Siew for the courtesy of a telephonic interview with the undersigned attorney and Mr. Brian Chase on February 11, 2004. During the interview the claim amendments presented herewith were discussed.

Drawings

Applicants note that the drawings filed on January 19, 2001, are accepted by the Examiner. Applicants request clarification as to whether the drawing amendments filed on October 15, 2003, also were accepted. As formal drawings were not required, Applicants do not submit them herewith.

Information Disclosure Statement

Applicants request that the Examiner return a copy of the Form PTO-1449 mailed to the Patent Office on October 15, 2003, on which the Examiner has initialed all of the boxes corresponding to all of the references listed on the form. A copy of the Form PTO-1449 is enclosed for the Examiner's convenience.

Rejection under 35 U.S.C. § 102(e)

Claims 30 and 35 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,156,179 to Binder *et al.* ("Binder").

Binder reports a method of covalently attaching specific binding proteins to a solid support, like a gel, a bead or a microparticle. Amended independent claims 30 and 35 recite a material comprising pores that supports a gel matrix and a ligand. Binder does not teach a material comprising pores that supports both the gel matrix and the ligand.

Accordingly, Applicants, for the reason provided above, respectfully submit that Binder fails to teach each element of amended claims 30 and 35 and that they are allowable. Applicants respectfully request that the rejection be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 32 and 36 are rejected under 35 U.S.C. § 103(a) as unpatentable over Binder in view of U.S. Patent No. 5,274,240 to Mathies *et al.* ("Mathies"). Applicants respectfully submit that neither of these references, either alone or in combination, teach or suggest a material comprising pores that supports a gel matrix and a ligand as recited in amended independent claims 30 and 35.

As mentioned above, Binder reports on a method of covalently attaching specific binding proteins to a solid support, like a gel, a bead or a microparticle. Mathies reports on increasing throughput in capillary electrophoresis by employing a large number of capillaries in parallel. Mathies does not provide that which Binder lacks, namely a material comprising pores that supports a gel matrix and a ligand.

Accordingly, Applicants respectfully submit that Mathies and Binder, either alone or in combination, fail to teach or suggest a material comprising pores that supports a gel matrix and a ligand. Applicants respectfully submit that amended independent claims 30 and 35 are allowable over Binder and Mathies and that claims 32 and 36, which depend from claims 30 and 35, are allowable as depending from allowable base claims. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

In the view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-24, 30, 32-63, and 67 –70 are in condition for allowance and request early and favorable action.

Respectfully submitted,



Daniel A. Wilson
Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP
125 High Street
Boston, Massachusetts 02110

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Reg. No.: 45,508

Tel. No.: (617) 248-7226
Fax No.: (617) 248-7100